80-1362

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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1980

No.

EDWARD RONWIN, Petitioner

v.

RICHARD A. SEGAL, et al,
Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

EDWARD RONWIN
Box 3585
Urbandale, Iowa 50322
(515) 278-8553

Petitioner pro se

QUESTION PRESENTED

Did Respondents deny Petitioner's rights to due process and equal protection of the law in violation of the Fifth and Fourteenth Amendments, United States Constitution; and, thereby, did the United States District Court have jurisdiction of the action below contrary to the opinion of the United States Court of Appeals?

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The Petitioner, Edward Ronwin, respectfully prays that a Writ of Certiorari issue to review the final Judgment of the United States Court of Appeals for the Ninth Circuit entered in this matter on November 14, 1980.

OPINION BELOW

The Judgment of November 14, 1980 is in the form of a Memorandum whose text is reproduced in the Appendix (A-1).

JURISDICTION

This Court's jurisdiction is invoked under Title 28, U.S.C. § 1254(1).

QUESTION PRESENTED

Did Respondents deny Petitioner's rights to due process and equal protection of the law in violation of the Fifth and Fourteenth Amendments, United States Constitution; and, thereby, did the United States District Court have jurisdiction of the action below contrary to the opinion of the United States Court of Appeals?

STATUTES INVOLVED

The Fifth and Fourteenth Amendments, United States Constitution (A-).

STATEMENT OF THE CASE

On or about August 30, 1976, Petitioner

timely filed an application for admission to the State Bar of Arizona. Acting as the Committee on Character and Fitness of the Supreme Court of Arizona, Respondents alleged that they could not make findings that Petitioner meets the character and fitness requirements for admission to said Bar. No prior notice of the reasons for Respondents' conclusion was given to Petitioner; and, despite written demand, Respondents refused to give Petitioner an opportunity to be heard and to confront and cross-examine adverse witnesses and evidence, if any; and, to present witnesses and evidence in Petitioner's behalf. In consequence, Petitioner filed a complaint, based on 42 U.S.C. §§ 1983, 1985 and 1986, pursuant to the jurisdictional grant in 28 U.S.C.§1343, in the United States District Court for the District of Arizona. The District Court dismissed the complaint

on the grounds, inter alia, that said Court lacked jurisdiction, although, the Court's judgment does not so state (A-). The affirmance of the Court of Appeals on the basis of its decision in Chaney v. State Bar of Calif., 386 F.2d 962 (9 Cir. 1967), (A-1) is, in essence, an acceptance of the notion that the District Court lacked jurisdiction.

REASONS FOR GRANTING THE WRIT AND IMPORTANCE OF THE QUESTION PRESENTED

This Court has declared in Schware v. Board of Examiners of State of New Mexico, 353 U.S. 232, 77 S.Ct. 752, 756, 1 L.Ed.2d 796 (1957):

> "A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment..."

The Court of Appeals claims that the case is governed by Chaney, supra. Said Court errs. In Chaney, the California Bar's adversary was disgruntled because he failed the Bar examination twice; however, at no time was said adversary denied due process or equal protection of the law. Proof is found in the text of Chaney, supra, p. 964:

> "Appellant [Chaney] does not purport to claim, within the conditions of Schware..."

Contrary to the opinion of the Court of Appeals, the denial of prior notice of Respondents' reasons; the denial of an opportunity for Petitioner to be heard and the denial of Petitioner's right to confront, to present, to examine and to cross-examine witnesses and evidence before Respondents made their decision, certainly brings this case "within the conditions

of Schware." Ergo, the District Court had jurisdiction, 42 U.S.C. § 1343.

Thus, the importance of the question presented is this: Are the United States District Courts required to follow Schware or may lower Federal Courts ignore the paramountcy claimed by this Court in matters of law?

Respectfully submitted

Edward Ronwin

February, 1980

APPENDIX

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED: Nov. 14,1980

EDWARD RONWIN, Plaintiff-Appellant, vs. RICHARD A. SEGAL; G. DAVID GAGE; PHILIP E. TOCI; ROBERT C. MOODY; RICHARD DAVIS and ANN BOWEN, Defendants-Appellees.	No. 77-2567 D.C.No. CIV 76-924 PHX MEMORANDUM

Appeal from the United States District Court for the District of Arizona
Manuel L. Real, District Judge, Presiding
Submitted November 13, 1980

Before: MERRILL and WALLACE, Circuit Judges, and BURNS,*District Judge

Judgment affirmed on the authority of Chaney v. State Bar of California, 386 F.2d 962 (9th Cir. 1967).

*Honorable James M. Burns, Chief, United States District Judge of the District of Oregon, sitting by designation.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

EDWARD RONWIN, Plaintiff, vs. RICHARD A. SEGAL, et al., Defendants.	NO. CIV. 76-924 PHX ORDER AND JUDGMENT

This cause came on to be heard before the Court on the following motions:

1. Motion of defendants to dismiss the Complaint.

2. Motion of plaintiff for summary judgment and, in the alternative, for preliminary injunction.

3. Motion of plaintiff for leave to file first amended complaint.

The Court, having considered the pleadings, the memoranda of points and authorities filed by the parties and the arguments of the plaintiff appearing in

propria persona and of counsel for defendants,

NOW, THEREFORE IT IS ORDERED AND ADJUDGED as follows:

1. The motion of the plaintiff for summary judgment or, in the alternative, for preliminary injunction, is hereby denied.

2. The motion of the plaintiff for leave to file a first amended complaint is hereby denied.

3. The motion of defendants to dismiss the complaint is hereby granted.

4. The Clerk is hereby directed forthwith to enter judgment in favor of defendants and against the plaintiff.

5. Defendants' costs shall be taxed pursuant to law.

DONE IN OPEN COURT this 6th day of June, 1977.

/s/ MANUEL L. REAL
United States District Judge

The applicable provisions of the Fifth and Fourteenth Amendments:

Fifth Amendment:

> "No person shall...be deprived of life, liberty, or property without due process of law..."

Fourteenth Amendment:

> "...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."